

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In Re: MARIE R. ST.-PHARD,

Case No.: 17-12633 JKS

Judge: JOHN K. SHERWOOD

Chapter: 13

Debtor(s)

**Chapter 13 Plan and Motions**

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Original         | <input checked="" type="checkbox"/> Modified/Notice Required | <input checked="" type="checkbox"/> Discharge Sought |
| <input type="checkbox"/> Motions Included | <input type="checkbox"/> Modified/No Notice Required         | <input type="checkbox"/> No Discharge Sought         |

Date: APRIL 29, 2017

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE

**YOUR RIGHTS WILL BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED  
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN  
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

**Part 1: Payment and Length of Plan**

- a. The debtor shall pay \$ 300 per MONTH to the Chapter 13 Trustee, starting on MARCH OF 2017 for approximately SIXTY (60) months.
- b. The debtor shall make plan payments to the Trustee from the following sources:
- ☒ Future earnings
  - ☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: \_\_\_\_\_

- ☐ Refinance of real property:

Description:

Proposed date for completion: \_\_\_\_\_

- ☒ Loan modification with respect to mortgage encumbering property:

Description: 762-764 STUYVESANT AVENUE, IRVINGTON, NEW JERSEY. TRUSTEE IS NOT TO PAY DITECH FINANCIAL'S PRE-PETITION MORTGAGE ARREARAGE CLAIM. ARREARS DUE TO DITECH FINANCIAL, TO BE ADDRESSED THROUGH LOAN MODIFICATION. DEBTOR TO MAKE LOSS MITIGATION PAYMENT, NOT REGULAR MONTHLY MORTGAGE PAYMENT TO DITECH FINANCIAL. ARREARS TO BE ADDRESSED THROUGH LOAN MODIFICATION.

Proposed date for completion: AUGUST 31, 2017, OR AS EXTENDED BY THE COURT

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. ☐ Other information that may be important relating to the payment and length of plan:

**Part 2: Adequate Protection**

a. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: \_\_\_\_\_ (creditor).

**Part 3: Priority Claims (Including Administrative Expenses)**

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
HERBERT B. RAYMOND, ESQ., ATTORNEYS AT LAW	ADMINISTRATIVE EXPENSE (COUNSEL FEES & SUPP. FEES)	\$1,592 (BALANCE OF ORIG. FEE PLUS SUPP. COUNSEL FEES IF APPLICABLE)
MARIE-ANN GREENBERG, ESQ., CHAPTER 13 TRUSTEE	ADMINISTRATIVE EXPENSE	\$1,200
INTERNAL REVENUE SERVICE	INCOME TAX LIABILITY	\$14,390.16

**Part 4: Secured Claims**

**a. Curing Default and Maintaining Payments**

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

**b. Modification**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**c. Surrender**

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

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**d. Secured Claims Unaffected by the Plan**

The following secured claims are unaffected by the Plan:

**e. Secured Claims to be Paid in Full Through the Plan:**

Creditor	Collateral	Total Amount to be Paid Through the Plan

**Part 5: Unsecured Claims**

**a. Not separately classified** allowed non-priority unsecured claims shall be paid:

☐ Not less than \$ \_\_\_\_\_ to be distributed *pro rata*

☐ Not less than \_\_ percent

☒ *Pro Rata* distribution from any remaining funds

**b. Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid

**Part 6: Executory Contracts and Unexpired Leases**

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
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**Part 7: Motions**

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.**

**a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

**b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
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**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

- ☒ Upon confirmation  
☐ Upon discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Counsel Fees and Supplemental Counsel Fees
- 3) Secured Claims and then Priority Claims
- 4) Unsecured Claims

**d. Post-Petition Claims**

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: MARCH 5, 2017

Explain below **why** the plan is being modified:

TO EXTEND THE TERM OF THE PLAN TO ADDRESS  
THE CLAIM OF THE INTERNAL REVENUE SERVICE  
WHICH IS HIGHER THAN ESTIMATED

Explain below **how** the plan is being modified:

THE PLAN TERM IS BEING EXTENDED FROM THIRTY-  
SIX TO SIXTY MONTHS TO COVER THE INTERNAL  
REVENUE SERVICE CLAIM WHICH IS HIGHER THAN  
SCHEDULED IN THE PLAN

Are Schedules I and J being filed simultaneously with this Modified Plan?

☐ Yes

☒ No

**Part 10: Sign Here**

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: APRIL 29, 2017

/S/ HERBERT B. RAYMOND, ESQ.  
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: APRIL 29, 2017

/S/ MARIE R. ST-PHARD  
Debtor

Date:

Joint Debtor

**Certificate of Notice Page 8 of 9**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Marie R ST-Phard  
 Debtor

Case No. 17-12633-JKS  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
 Form ID: pdf901

Page 1 of 2  
 Total Noticed: 36

Date Rcvd: May 01, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 03, 2017.

db Marie R ST-Phard, 762-764 Stuyvesant Avenue, Irvington, NJ 07111  
 cr +DITECH FINANCIAL LLC, Phelan Hallinan & Schmieg, PC, 400 Fellowship Road, Suite 100,  
 Mt. Laurel, NJ 08054-3437  
 lm +Ditech Financial, LLC., 1100 Virginia Drive, Ste 100A, Fort Washington, PA 19034-3204  
 516639369 +Annie Sez, 401 Hackensack Ave, Hackensack, NJ 07601-6411  
 516639370 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238  
 (address filed with court: Bank of America, PO Box 982238, El Paso, TX 79998)  
 516639371 +Barclays Bank Delaware, PO Box 8803, Wilmington, DE 19899-8803  
 516639374 ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285  
 (address filed with court: Capital One Bank Usa NA, 15000 Capital One Drive,  
 Richmond, VA 23238)  
 516727039 CW Nexus Credit Card Holdings 1, LLC, c/o Resurgent Capital Services, PO Box 10368,  
 Greenville, SC 29603-0368  
 516639372 +Capital One, PO Box 30253, Salt Lake City, UT 84130-0253  
 516639375 +Comenity Bank, PO Box 182789, Columbus, OH 43218-2789  
 516639376 +Comenity Bank/Annie Sez, 995 W 122nd Avenue, Westminster, CO 80234-3417  
 516639377 +Comenity Bank/Brylane Home, PO Box 182789, Columbus, OH 43218-2789  
 516639378 +Credit First N A, 6275 Eastland Rd, Brookpark, OH 44142-1399  
 516743303 Credit First NA, BK13 Recovery Services, PO Box 818011, Cleveland, OH 44181-8011  
 516639380 Ditech, PO Box 6176, Rapid City, SD 57709-6176  
 516639381 +Ditech Financial, 1100 Virginia Dr., #100A, Fort Washington, PA 19034-3204  
 516639383 ++FIRST SAVINGS BANK, PO BOX 5096, SIOUX FALLS SD 57117-5096  
 (address filed with court: Fsb Blaze, 500 E. 60th Street, Sioux Falls, SD 57104)  
 516639382 +First National Bank, 500 E 60th St N, Sioux Falls, SD 57104-0478  
 516791617 +MIDLAND FUNDING LLC, PO BOX 2011, WARREN, MI 48090-2011  
 516639389 Pluese, Becker & Saltzman, 20000 Horizon Way, Ste. 900, Mount Laurel, NJ 08054-4318

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 smg E-mail/Text: usanj.njbankr@usdoj.gov May 01 2017 22:58:55 U.S. Attorney, 970 Broad St.,  
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov May 01 2017 22:58:53 United States Trustee,  
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
 Newark, NJ 07102-5235  
 516639379 +E-mail/Text: creditonebknotifications@resurgent.com May 01 2017 22:58:19 Credit One Bank NA,  
 PO Box 98875, Las Vegas, NV 89193-8875  
 516771074 E-mail/Text: bankruptcy.bnc@ditech.com May 01 2017 22:58:41  
 Ditech Financial LLC fka Green Tree Servicing LLC, P.O. Box 6154,  
 Rapid City, South Dakota 57709-6154  
 516639387 E-mail/Text: cio.bncmail@irs.gov May 01 2017 22:58:32 Internal Revenue Service,  
 Insolvency Operations, PO Box 21125, Philadelphia, PA 19114  
 516789288 E-mail/PDF: resurgentbknotifications@resurgent.com May 01 2017 22:52:06 LVNV Funding, LLC,  
 c/o Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587  
 516727038 E-mail/Text: bkr@cardworks.com May 01 2017 22:58:12 Merrick Bank,  
 c/o Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368  
 516639388 +E-mail/Text: bkr@cardworks.com May 01 2017 22:58:12 Merrick Bank, PO Box 9201,  
 Old Bethpage, NY 11804-9001  
 516756272 E-mail/Text: bnc-quantum@quantum3group.com May 01 2017 22:58:45  
 Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788  
 516639390 +E-mail/PDF: gecsedirecoverycorp.com May 01 2017 22:52:01 Synchb, PO Box 965024,  
 Orlando, FL 32896-5024  
 516639391 +E-mail/PDF: gecsedirecoverycorp.com May 01 2017 22:52:54 Synchb/Care Credit,  
 PO Box 965036, Orlando, FL 32896-5036  
 516639392 +E-mail/PDF: gecsedirecoverycorp.com May 01 2017 22:52:54 Synchb/JC Penny, PO Box 965007,  
 Orlando, FL 32896-5007  
 516639393 +E-mail/PDF: gecsedirecoverycorp.com May 01 2017 22:52:01 Synchb/Lowes, PO Box 956005,  
 Orlando, FL 32896-0001  
 516639394 +E-mail/PDF: gecsedirecoverycorp.com May 01 2017 22:52:01 Synchb/Sleepys, PO Box 965036,  
 Orlando, FL 32896-5036  
 516639395 +E-mail/PDF: gecsedirecoverycorp.com May 01 2017 22:52:54 Synchb/Tjx Cos, PO Box 965005,  
 Orlando, FL 32896-5005  
 516639396 E-mail/PDF: gecsedirecoverycorp.com May 01 2017 22:52:54 Synchb/Walmart, PO Box 965024,  
 El Paso, TX 79998

TOTAL: 16

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

516639373\* +Capital One, PO Box 30253, Salt Lake City, UT 84130-0253  
 516639386\* ++INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATIONS, PO BOX 7346,  
 PHILADELPHIA PA 19101-7346  
 (address filed with court: Internal Revenue Service, PO Box 105572, Atlanta, GA 30348)  
 516639385\* ++INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATIONS, PO BOX 7346,  
 PHILADELPHIA PA 19101-7346  
 (address filed with court: Internal Revenue Service, PO Box 724,  
 Springfield, NJ 07081-0724)



District/off: 0312-2

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 36

Date Rcvd: May 01, 2017

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*  
516639384\* ++INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATIONS, PO BOX 7346,  
PHILADELPHIA PA 19101-7346  
(address filed with court: Internal Revenue Service, Special Procedures Function,  
PO Box 724, Springfield, NJ 07081)

TOTALS: 0, \* 4, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: May 03, 2017

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 29, 2017 at the address(es) listed below:

Brian C. Nicholas on behalf of Creditor DITECH FINANCIAL LLC bnicholas@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
Denise E. Carlon on behalf of Loss Mitigation Ditech Financial, LLC. dcarlon@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
Herbert B. Raymond on behalf of Debtor Marie R ST-Phard bankruptcy123@comcast.net,  
jeff.raymond@comcast.net;raymondmail@comcast.net;carol-raymond@comcast.net;bankruptcyattorneys@co  
mcast.net;herbertraymond@gmail.com;carbonell\_c@hotmail.com;kdelyon.raymond@gmail.com  
Marie-Ann Greenberg magecf@magtrustee.com  
U.S. Trustee. USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 5